

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DERIC PORTER, #630121 §

VS. § **CIVIL ACTION NO. 5:05cv59**

WARDEN RUPERT, ET AL. §

ORDER OF PARTIAL DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation for the disposition of the lawsuit. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is accordingly

ORDERED that the Plaintiff may proceed with his excessive use of force and improper strip search claims against Officers Brannan, Mitchell, Simmons, Roseberry, Smith and Harbison and his denial of due process claim against Officer Brannan. It is further

ORDERED that the Plaintiff's claims against Director Gary Johnson and Warden Rupert are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

SIGNED this 10th day of August, 2005.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE